

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/940,722	08/27/2001	Ronald A. Schachar	PRES06-00217	5803	
7:	590 06/16/2006		EXAMINER		
Docket Clerk P.O. Drawer 800889			WILLSE, DAVID H		
Dallas, TX 75	•••		ART UNIT	PAPER NUMBER	
·			3738		
	•		DATE MAILED: 06/16/2000	DATE MAILED: 06/16/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

1) Responsive to communication(s) filed on 19 April 2004. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1 and 61-106 is/are pending in the application. 4a) Of the above claim(s) 71-73.91-93 and 104-106 is/are withdrawn from consideration. 5) Claim(s)				
### Examiner Dave Willise 3738 ### The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. **Exemistion of time may be available, under the provisions of 37 CFR 1.358(b), line earth, however, may a reply be timely filled. **Exemistion of time may be available, under the provisions of 37 CFR 1.358(b), line earth, however, may a reply be timely filled. **Exemistion of time may be available, under the provisions of 37 CFR 1.358(b), line earth, however, may a reply be timely filled. **Exemistion of time may be available, under the provisions of 37 CFR 1.768(b). **Failure to reply whithe the set or extended period for reply will, by statute, cause the application to become ABANDONED (38 U.S.C. § 1.33). **Exemistion of the advent claims of the mailing date of this communication. **Pailure to reply whithe the set or extended period for reply will, by statute, cause the application to become ABANDONED (38 U.S.C. § 1.33). **Status** **Pailure to reply whithe the set or extended period for reply will, by statute, cause the application to be communication. **Pailure to reply whithe the set or extended period for reply will, by statute, cause the application to be communication. **Pailure to reply whithe the set or extended period for reply will, by statute, cause the application to be communication. **Pailure to reply whithe the set or extended period for reply will, by statute, cause the application to be communication. **Pailure to reply whithe the set or extended period for reply will, by statute, cause the application is non-firmat. **Pailure to reply whithe the set or extended period for reply will, by statute, cause the application is non-firmat. **Pailure to reply whithe the set or extended period for reply application for formation and the set of reply application for formation a		Application No.	Applicant(s)	
Dave Willse S733 S738 Period for Reply		09/940,722	SCHACHAR, RONALD A.	
The MALLING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions to therm may be evaluate under the provision of 37 CFR 1.180(i), no event, hower, may a reply be timely filed If NO period for reply is specified above, the maximum statutory period will explye SIX (9) MONTHS from the making date of this communication. Failure for requy within the set or excluded period for reply is specified above, the maximum statutory acids will exply and vell explice SIX (9) MONTHS from the making date of this communication. Failure for requy within the set or excluded period for reply will, by status, cause the application to exceen ARAMORIO (36 U.S.C. § 133). Any reply received by the Cliffic liter than three months after the malling date of this communication, even it timely filed, may reduce any center glaverium. Set 7 CFR 1.760(i) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1 and 61-106 is/are pending in the application. 4a) Of the above claim(s) 71-73.91-93 and 104-106 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 7) Claim(s) is/are allowed. 8) Claim(s) is/are allowed. 8) The specification is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The odth or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C	Office Action Summary	Examiner	Art Unit	
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ■ Substation of time may be available under the provisions of 37 CFR 1.35(a). In or event, however, may a registy be timely filled and the major to available under the provisions of 37 CFR 1.35(a). In or event, however, may a registy be timely filled in 140 period for reply is specified above, the maximum abstratory period with apply and will expire M. (by MONTH'S from the mailing date of this communication, even if threly filled, may reduce any extended patient sem abstrations after the mailing date of this communication, even if threly filled, may reduce any extended patient sem abstraction in 5 in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☑ Claim(s) 1 and 61-106 is/are pending in the application. 4a) Of the above claim(s) 71-73, 91-93 and 104-106 is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☑ Claim(s) is/are allowed. 6) ☑ Claim(s) is/are allowed. 7) ☐ Claim(s) is/are allowed. 8) ☐ Claim(s) is/are objected to. 9) ☑ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filled on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. Sea 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. Sea 37 CFR 1.65(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. Sea 37 CFR 1.65(a). Priority under 35 U.S.C. § 119(a)-(d) or (f): a) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12 ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f				
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Editations of the may be available under the provision of 3 CFR 1.13(a). In ne event, however, may a reply be timely filed after SX (6) MONTHS from the mailing date of this communication. Failthe to recy which the set or excluded period for review. (by status, case the application to become ABANDCHIO SS U.S. C. § 133). Any reply received by the Diffect letter than rhree months after the mailing date of this communication, even if timely filed, may reduce any senior glaver term adjustment. See 37 CFR 1.704(b). Status 1) □ Responsive to communication(s) filed on 19 April 2004. 2a) □ This action is FINAL. 2b) □ This action is FINAL. 2b) □ This action is FinAL. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1 and 61-106 is/are pending in the application. 4a) Of the above claim(s) 71-73.91-93 and 104-106 is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are objected to. 9) □ Claim(s) is/are objected to. 9) □ Claim(s) is/are objected to. 9) □ Claim(s) is/are objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The specification is objected to by the Examiner. 10 □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.25(a). Replacement drawing shee(s) including the correction is required if the drawing(s) objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 3) □ Copies of		ppears on the cover sheet w	ith the correspondence address	
1) Responsive to communication(s) filed on 19 April 2004. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1 and 61-106 is/are pending in the application. 4a) Of the above claim(s) 71-73.91-93 and 104-106 is/are withdrawn from consideration. 5) Claim(s)	 WHICHEVER IS LONGER, FROM THE MAILING Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory perions. Failure to reply within the set or extended period for reply will, by state Any reply received by the Office later than three months after the main three months. 	DATE OF THIS COMMUNI 1.136(a). In no event, however, may a not will apply and will expire SIX (6) MO nute, cause the application to become A	CATION. reply be timely filed NTHS from the mailing date of this communication BANDONED (35 U.S.C. § 133).	
2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1 and 61-106 is/are pending in the application. 4a) Of the above claim(s) 71-73.91-93 and 104-106 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some of the priority documents have been received. 2 Certified copies of the priority documents have been received in Application No. 3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.	Status			
3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 Claim(s) 1 and 61-106 is/are pending in the application. 4a) Of the above claim(s) 71-73.91-93 and 104-106 is/are withdrawn from consideration. 5 Claim(s)	1) Responsive to communication(s) filed on 19	April 2004.		
Claim(s) 1 and 61-106 is/are pending in the application. 4) ○ Claim(s) 1 and 61-106 is/are pending in the application. 4a) Of the above claim(s) 71-73,91-93 and 104-106 is/are withdrawn from consideration. 5) ○ Claim(s)	2a) ☐ This action is FINAL. 2b) ☑ The	nis action is non-final.		
Aly Claim(s) 1 and 61-106 is/are pending in the application. 4a) Of the above claim(s) 71-73.91-93 and 104-106 is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are objected to. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) is/are objected to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No. □ . 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) □ Notice of References Cited (PTO-892) 1) □ Notice of Draftsperson's Patient Drawing Review (PTO-948) 3) □ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) □ Notice of Informal Papert Application (PTO-152)	3) Since this application is in condition for allow	vance except for formal mat	ters, prosecution as to the merits is	\$
4) Claim(s) 1 and 61-106 is/are pending in the application. 4a) Of the above claim(s) 71-73,91-93 and 104-106 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheel(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) Attachment(s) 1) Notice of Oraftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Information Application (PTO-152)	closed in accordance with the practice unde	r <i>Ex par</i> te Quayle, 1935 C.I	D. 11, 453 O.G. 213.	
4a) Of the above claim(s) 71-73.91-93 and 104-106 is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) 1, 61-70, 74-90, and 94-103 is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) □ Notice of References Cited (PTO-892) □ Notice of Parfisperson's Patent Drawing Review (PTO-948) 3) □ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) □ Paper No(s)/Mail Date	Disposition of Claims			
5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are objected to. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of References Cited (PTO-892)	4)⊠ Claim(s) 1 and 61-106 is/are pending in the	application.		
6) Claim(s) 1, 61-70, 74-90, and 94-103 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detalled Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Traftsperson's Patent Drawing Review (PTO-948) 3) Interview Summary (PTO-413) Paper No(s)/Mail Date Paper No(s)/Mail Date Notice of Informal Patent Application (PTO-152)	4a) Of the above claim(s) 71-73,91-93 and 1	04-106 is/are withdrawn fro	m consideration.	
T) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Traftsperson's Patent Drawing Review (PTO-948) 3) Interview Summary (PTO-413) Paper No(s)/Mail Date Paper No(s)/Mail Date Notice of Informal Patent Application (PTO-152)	5) Claim(s) is/are allowed.			
8	6)⊠ Claim(s) <u>1, 61-70, 74-90, and 94-103</u> is/are	rejected.		
Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Interview Summary (PTO-413) ☐ Paper No(s)/Mail Date Paper No(s)/Mail Date 9) ☐ Notice of Informal Patent Application (PTO-152)	7) Claim(s) is/are objected to.			
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	8) Claim(s) are subject to restriction and	I/or election requirement.		
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)	Application Papers			
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	9)⊠ The specification is objected to by the Exami	ner.		
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Interview Summary (PTO-413) Paper No(s)/Mail Date. Paper No(s)/Mail Date. 5) Notice of Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	10) The drawing(s) filed on is/are: a) a	ccepted or b) objected to	by the Examiner.	
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) ☐ Notice of Informal Patent Application (PTO-152)	Applicant may not request that any objection to the	ne drawing(s) be held in abeya	nce. See 37 CFR 1.85(a).	
Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/5B/08)	Replacement drawing sheet(s) including the corre	ection is required if the drawing	g(s) is objected to. See 37 CFR 1.121(d).
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	11) ☐ The oath or declaration is objected to by the	Examiner. Note the attache	d Office Action or form PTO-152.	
a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 1. ☐ Certified copies of the priority documents have been received in Application (PTO-152)	Priority under 35 U.S.C. § 119			
2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 1 ☐ Notice of Informal Patent Application (PTO-152)	a) ☐ All b) ☐ Some * c) ☐ None of:		§ 119(a)-(d) or (f).	
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)				
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) * See the attached detailed Office action for a list of the certified copies not received. 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152)			· · · · · · · · · · · · · · · · · · ·	
* See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) * See the attached detailed Office action for a list of the certified copies not received. 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152)			received in this National Stage	
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152)		• • • • • • • • • • • • • • • • • • • •	received	
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152)	oce the attached detailed office action for a li	at of the certified copies no	received.	
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date. 5) Notice of Informal Patent Application (PTO-152)	Attachment(s)			
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)				
Paper No(s)/Mail Date 3-31-06		_	Informal Patent Application (PTO-152)	

Art Unit: 3738

The Applicant's election of Species I (Figures 6-8) in the reply filed on April 19, 2004, is acknowledged. Because the Applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

The disclosure is objected to because of the following informalities: In the amendments to the specification received on February 6, 2004, "platform" should be replaced by --planform-on line 1 of the paragraph to be substituted at page 16, line 18, of the specification. Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 69, 75-77, 89, and 94-102 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 69 and 89, lines 1-2 of each, "one of said first dimension" lacks proper syntax. In claim 75, line 1, "said base" lacks a proper antecedent basis. Claim 76 fails to further limit claim 74 because the elongated body being "elongated" (among other *options*) does not narrow the scope of the claim. In claim 77, line 3, "said base" lacks a proper antecedent basis. In claim 94, line 5, "the pocket" lacks a proper antecedent basis. In claim 100, line 1, "said outer surface" lacks a proper antecedent basis; on lines 1-2, "said base" lacks a proper antecedent basis. In claim 101, line 1, "said ridge *member*" (emphasis added) lacks a proper antecedent basis; on line 2, "said first dimension" and "said base member" lack proper antecedent bases. In claim 102, lines 1-2, "one of said first dimension" lacks a proper antecedent basis and lacks proper syntax.

Application/Control Number: 09/940,722

Art Unit: 3738

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 61-68, 70, 74-88, 90, 94-101, and 103 are rejected under 35 U.S.C. 102(b) as being anticipated by Schachar, US 5,354,331. Regarding claim 1 and others, Schachar '331 discloses an ocular scleral prosthesis in the form of an adjustable scleral expansion band (column 7, lines 1-4) comprising at least one elongated body in the form of a strip of material (column 7, lines 4-8) capable of being implanted in a corresponding elongated pocket within scleral tissue of an eye in the zone exterior to the ciliary body (column 7, lines 36-39). Inner and outer surfaces of said flap are capable of contacting the base and the flap of the scleral pocket (column 7, lines 39-42; drawings) and are separated by enough distance or thickness to impart sufficient structural characteristics (e.g., strength) to elevate the flap and exert outwardly directed traction on at least the anterior margin of the pocket (column 7, lines 8-12; column 5, lines 38-41; etc.). Regarding claim 62, the ridge or crest limitation is met by the thread of the screw mechanism (column 7, lines 8-12), which is a means for expanding the contacted sclera to increase the effective working distance of the ciliary muscle (column 7, lines 8-12; column 2, lines 67-68; etc.). Regarding claim 88, the *helical* ridge or thread extends along *both* dimensions of the strip

planform. Regarding claim 94, the tangential screw mechanism (involving a ridge member or thread) on the base member or strip of material applies a force to the scleral pocket via the strip of material.

Claims 69, 89, and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schachar, US 5,354,331. The particular dimensions for each of the "plurality of parts" (column 7, line 2) would have been obvious from anatomical considerations.

The Applicant's remarks have been considered. The examiner agrees with the Applicant's conclusion that the Schachar '331 variations relied upon in the above grounds of rejection are in the form of a complete ring. However, the transitional term "comprising" (e.g., current claim 1, line 1) is inclusive or open-ended (MPEP § 2111.03) so that the prosthesis as claimed could include additional elongated bodies or other elements; hence the "elongated body" as claimed need not correspond with the band in its entirety. The ends of a strip do not vanish when they are affixed to each other or to ends of other strips; in fact, overlapping ends are relied upon to provide adjustability to the device. The elongation or length of the strip or strips is likewise maintained so as to contribute to the circumference of the scleral expansion band. The Applicant contends that "[t]he tangential screw mechanism adjusts the circumference of the complete band before the complete band is inserted into the eye" (page 21, lines 7-9, of the Applicant's reply of February 6, 2004; emphasis in original), but such a purported scheme is not even possible for the embodiment described on page 20, last three lines, of said reply. Even if the Applicant is correct and the tangential screw mechanism is to be removed for some reason, the implant would then require some sort of mechanical connector to maintain the band in its adjusted state. Such a connector would then serve as the means for expanding the contacted

Application/Control Number: 09/940,722 Page 5

Art Unit: 3738

sclera by providing a reaction force to support the overlying tissue (Schachar '331: column 7, line 40) and to prevent a reduction in band circumference. Other issues are adequately addressed in the grounds of rejection presented above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Willse whose telephone number is 571-272-4762. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott, can be reached on 571-272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Dave Willse Primary Examiner

Art Unit 3738